

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 9, 2004

DIVISION ONE

B166803 Gioia (Certified for Publication)
v.
Gioia

The order is reversed and the matter remanded for further proceedings. The parties are to bear their own costs.

Ortega, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B163108 ECC Construction, Inc.
v.
Oak Park Calabasas Homeowners Association

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION THREE

B167199 People (Not for Publication)
v.
Melendez

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

June 9, 2004 (Continued)

DIVISION THREE (Continued)

B166329 People
 v.
 Moore

Filed order modifying opinion. (No change in the judgment)

DIVISION FOUR

B170950 People (Not for Publication)
 v.
 Romero

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B164833 Chanin, et al. (Not for Publication)
 v.
 Smith

The judgment is affirmed. Respondent to have his costs on appeal.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Grignon, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk.

DIVISION FIVE (Continued)

Each of the following:

B168813 People v. Carol Canty
B166707 People v. Brian G.
B170273 People v. Warren Finch
B168984 People v. John David Roettgen
B152740 E.M.M.I. Inc. v. Zurich

Argument waived, cause submitted.

B168916 City of Los Angeles
 v.
 Furman Selz Capital Management

Merits:

Argued by Kim Rodgers Westhoff, Deputy City Attorney for appellant and
by James F. McShane for respondent. Cause submitted.

Court recessed at 9:26 a.m.

Court reconvened at 10:00 a.m.

Present: Turner, P.J., Grignon, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk.

B168823 People v. Finney

Argument waived, cause submitted.

B168841 Batia Muller
 v.
 Burton R. Popkoff

Merits:

Argued by Charles L. Fonarow for appellant and by Natalie A.
Kouyoumdjian for respondent. Cause submitted.

DIVISION FIVE (Continued)

B164204 Gianfranco Interlandi
 v.
 Mercedes-Benz U.S.A.

Merits:
Argued by Rene Korper for appellant and Ronald F. Frank for respondent.
Cause submitted.

B174068 Nicola Judith Hills
 v.
 Superior Court, Los Angeles County
 (Douglas George Bergeron, r.p.i.)

Merits:
Argued by Peter R. Dion-Kindern for petitioner and by Jon E. Andrews for
real party in interest. Cause submitted.

Court recessed: 11:31 a.m.

Court reconvened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. and Zaida G. Heraldez, Deputy
Clerk.

B166858 Diana G. Carman
 v.
 Muller Hood Pontiac

Merits:
Argued by Edward Arnold Blumenthal and by Daniel Elliot Katz for
respondent. Cause submitted.

June 9, 2004 (Continued)

DIVISION FIVE (Continued)

B168886 Donald Harrahill, et al.
 v.
 City of Monrovia

Merits:

Argued by Andrew W. Zepeda for appellants and by Patrick K. Bobko for respondent. Cause submitted.

B164365 Steven Friedman
 v.
 Mendel Itkin

Merits:

Argued by Appellant Steven R. Friedman, in propria persona and by Frank Revere for respondent. Cause submitted.

Court adjourned at 2:20 p.m.

DIVISION SIX

Court convened at 9:00 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B170530 Human Services Agency
 v.
 Alyce S. & Mark S.

Merits:

Argued by Alison Harris, Assistant County Counsel, for respondent and argument previously waived by appellants. Cause submitted.

DIVISION SIX (Continued)

B173886 Evelyn R.
 v.
 Ventura County Superior Court
 (Human Services Agency, r.p.i.)

Extraordinary:
Presented by Richard C. Gilman for petitioner and by Joseph J. Randazzo,
Assistant County Counsel, for real party in interest. Cause submitted.

B168948 Bassett
 v.
 Perrett

Merits:
Argued by Richard Travers Paynter for appellant / cross-respondent and by
Leonard C. Herr for respondents / cross-appellants. Cause submitted.

Coffee, J. left the bench.

B168790 Hasler
 v.
 Howard

Merits:
Argued by Chris W. Halling for appellant and by Martin P. Cohn for
respondent. Cause submitted.

B161615 Jacobsen
 v.
 Jacobsen

Merits:
Argued by Timothy E. Metzinger for appellant / cross-respondent, by
Vanessa Kirker for respondent / cross-appellant and by Fred J. Hiestand for
amici curiae in support of appellant. Cause submitted.

Court recessed at 10:35 A.M.

DIVISION SIX (Continued)

Court reconvened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B174044 Ruby S. v. Santa Barbara Superior Court (Child Welfare Services)

Presentation continued to July, 2004.

B172006 Siple
v.
City of San Buenaventura

Merits:

Argued by Randolph E. Siple, appellant, appearing in propria persona and by Wendy C. Lascher for respondents. Cause submitted.

B172115 Van Der Spees
v.
Killins-Van Der Spees

Merits:

Argued by Brigham J. Ricks for appellant and by D. Oscar Barnes for respondent. Cause submitted.

B171114 Kelly Temporary Services
v.
Worker's Compensation Appeals Board
Ringleb, Respondent

Review:

Presented by Rodney Mark Johnston for petitioner and by David L. Pollak for respondent Ringleb. Presentation previously waived by respondent Workers' Compensation Appeals Board. Cause submitted.

Yegan, J. left the bench.

DIVISION SIX (Continued)

B172308 Hammer
 v.
 USAA Casualty Insurance Co.

Merits:

Justice Perren disclosed he holds two auto insurance policies with USAA Casualty Insurance Co. Counsel not opposed to Justice Perren's participation in this matter.

Argued by Joseph J. Ryan for appellant and by Maureen M. Michail for respondent. Cause submitted.

Court adjourned at 2:50 P.M.

DIVISION SEVEN

B166253 Harris, et al. (Not for Publication)
 v.
 Interscope Records, et al.

The judgment in favor of Interscope Records, Jimmy Iovine and John A. McClain, III is affirmed. The judgment in favor of Marion H. Knight, Death Row Records and Tha Row, Inc. and the order of March 19, 2003 denying the motion of Lydia Harris and New Image Media Corp. for sanctions, including entry of the default of Knight, Death Row Records and Tha Row, Inc., based on the recommendations of the discovery referee are reversed, and the matter as to these parties is remanded for further proceedings not inconsistent with this opinion. The Interscope defendants are to recover their costs of appeal. Harris and New Image Media Corp. are to recover their costs relating to the appeal of judgment in favor of the Death Row defendants.

Perluss, P.J.

We concur: Johnson, J.
 Zelon, J.

DIVISION SEVEN (Continued)

B161152 People (Not for Publication)
v.
Martinez, et al.

The judgment is affirmed.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B166213 Schlessinger, et al. (Not for Publication)
v.
Holland America, N.V.

The judgment is affirmed. Respondent(s) to recover costs.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

B164461 People (Not for Publication)
v.
Winston Paul W.

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
Zelon, J.

DIVISION EIGHT

B165301 Thompson
v.
County Of Los Angeles, et al.

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed February 18, 2003) dismissed.

B168892 Worthington, et al.
v.
The Flintkote Company

Filed order vacating submission order of March 23, 2004. Further proceedings have been automatically stayed pursuant to 11 United States Code section 362(a)(1).